



# CHILD ABUSE IN IRANIAN LAW AND INTERNATIONAL INSTRUMENTS

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## ABSTRACT

Abuse is one of the most important challenges that human societies are currently grappling with and has attracted the attention of many lawyers, psychologists and pathologists, and various theories have been proposed to address its side effects. This has been achieved to some extent in international instruments with the ratification of the Convention on the Rights of the Child in 1989, but it has not been able to protect children against child abuse as it should be, and in domestic instruments is. In the present article, by stating the rights of children and their violation.

**KEYWORDS:** Child, Harassment, International Documents.

## INTRODUCTION:

Violation of children's rights has long been a prominent case in most human societies, including child labor abuse before reaching legal age, violence and physical and sexual abuse of children in the family and outside the family. Attention to the rights of the child has been neglected worldwide from time immemorial to the present day. Children's rights are among the issues that have not received much attention until several years ago, both in Iran and in other countries, as well as in the international arena.

### 1. THE CONCEPT OF CHILD ABUSE:

Child abuse occurs when the abuse reaches a point where the child is traumatized and physically and emotionally harmed, when the child is emotionally and psychologically abused, and the adverse effects of the injury may last a lifetime. Be together, and deprive the child of self-confidence, success at work and education.

Child abuse is defined as behaviors that harm a child's physical, mental, personal and social development, or human dignity, so child abuse, along with other abusive behaviors such as violence, exploitation, abuse, and ... is placed. (Ghomashchi, 1387: 59)

Child abuse is a cultural, social and medical issue that usually has several factors in common. The factors related to child abuse can be divided into three main groups:

A- Causes related to the child, B- Causes related to the parents, C- Environmental and social causes

### 2. THE RIGHTS OF THE CHILD IN INTERNATIONAL INSTRUMENTS:

Children have always been exposed to exploitation, abuse and harassment by their community. The restrictions imposed on them to date have a long history; Historical documents and evidences such as the sale of children by guardians like other goods for slavery (Tawhidi, 2003: 120), inhuman treatment of Saudi men with girls in the period of ignorance, punishment of children for guilt and guilt of the father, (Nouri, 2014 24: The following is a review of the basic rights of children, which in some cases are violated by violating the rights of children.

#### 2.1. Convention on the Rights of the Child:

Article 18 of the Convention on the Rights of the Child provides:

"Parental custody of the child:

1. Governments emphasize and ensure that both parents are responsible for the child's upbringing and development.
2. The Governments which are Parties to the present Covenant shall support the parents in carrying out their duties in relation to the upbringing and development of the child in order to exercise the rights set forth herein.

"Governments shall take all necessary measures to provide adequate facilities for the care of children of working parents."

According to this article, it can be said that, in the case of education and training and welfare of the child, the principle is the joint responsibility of parents, although the addressees of this article are the governments that are members of this treaty, It has the aspect of exception to the principle. At the same time, the gov-

ernment is obliged to provide the necessary support and care for the welfare and education of children and not to neglect its duty of support and guidance to the child and his family. (Filsafi, 1387: 152)

Article 23 of the Convention on the Rights of the Child also addresses the rights of children with disabilities.

"Governments declare that if a child has a physical or mental disability, he or she must have a decent human life while being disabled." A life in which his dignity is preserved and his active and independent participation in collective life is facilitated.

2. Governments declare that a disabled child has the right to special governmental protection and that, as far as possible, appropriate facilities should be provided for that child and his or her parents or guardian.
3. According to the specific needs of the disabled child

2.2 Universal Declaration of the Rights of the Child The Declaration was adopted by the United Nations General Assembly on November 20, 1959, and was approved by the representative of Iran at the time. The second principle of this declaration states:

"The child should be given special support and the necessary facilities and equipment for his physical, intellectual, moral and social upbringing should be provided to him in a healthy, natural way and in a free and respectful environment by the law or relevant authorities. "In enacting laws for this purpose, the interests of children should be given the highest priority." Article 4 of the Declaration also states:

"The child should enjoy social security, be raised in a healthy environment, and to this end, children and mothers should receive special care and support that includes adequate pre- and post-natal attention. "The child should have access to adequate nutrition, housing, recreation and medical services." It is also stated in the sixth principle of this declaration:

"A child needs love and understanding in order to fully and balanced development of his personality, and he should be raised as much as possible under the care and supervision of his parents, and in any case in a loving environment in moral and material security. The young child should not be separated from the mother except in exceptional cases. Society and social authorities are obliged to pay special attention to parents without families and poor children. "Government cash grants and other facilities are recommended to provide and care for the children of large families."

The seventh principle of this declaration also refers to the child's right to education in order to properly educate him:

"The child should receive free and compulsory education, at least in elementary school. The child should benefit from education that is aimed at promoting and increasing his general culture and is so constructive that under equal conditions he can develop his talent, individual judgment, understanding of moral and social responsibility and become a useful person for society. In educating and leading the child, the interests of the child should be the guide of the authorities. Such a responsibility is primarily the responsibility of the parents.

3. Child abuse Child abuse is a historical phenomenon and has existed from the past to the present, but its severity has decreased and its forms have changed to some extent compared to the past. There are different types of child abuse and it consists of physical, sexual and psychological (emotional) types.

### 3.1. Child physical abuse:

There is no single definition of physical abuse of a child. However, it can be said that a child who has been repeatedly subjected to beatings, intentional harassment (which can include physical assault on a child and cause pain, cuts, bruises, bone fractures and other injuries or in The worst condition leading to death) is child abuse. Disorders of child physical abuse include flogging, tying a child with a rope or object, banging on a wall, burning with boiling water or hot liquids, or using a cigarette butt and shaking violently. (Seidi, 2014: 11)

According to the World Health Organization, physical abuse of a child involves the actions of a parent or caregiver who either causes actual physical harm or has the potential to become an injury (World Health Organization, 2002: 59).

Child abuse is often intentional by a parent or guardian and can cause skin lesions, bruising, bone fractures, cuts and subcutaneous bleeding, and in severe cases can cause severe injury or To die. Many cases of physical violence against children in the family are not deadly and in most cases do not leave lasting and visible traumatic effects. However, some cases of violence against young children in the family cause permanent fever and even death, and although the perpetrators of this violence may not commit violence with the intention of inflicting such injuries. Research in various countries has shown that "shocked children syndrome" abuses young children through severe concussions, mainly leading to head injuries and severe brain injuries (UNICEF, 2004: 23).)

### 3.2. Child (emotional) psychological abuse:

Emotional harassment is the most difficult type of harassment to define and recognize. All forms of harassment are associated with emotional and psychological harassment. I rarely see physical or sexual harassment without emotional harassment. In this type of abuse, the most important thing the child needs is to have the opportunity to grow and mature. It is very difficult to define emotional harassment because there is no consensus on what constitutes emotional harassment, victims have no similar complaints, no specific symptoms, and very few pathological findings.

Nester defines psychological abuse as a deliberate attempt to undermine a child's self-esteem and competence, which can take many forms, including rejection, isolation, forgetfulness, verbal attacks, threats, and putting too much pressure on the child (Belsky). , 2000: 40) Psychological harassment means blaming and devaluing or other harassing behaviors towards a person who has no visible harm. Bobby's emotional harassment is accompanied by passive or aggressive and passive attention to the psychological needs of growth, or psychological health. Emotional harassment has a very important role in mental health and psychological function in adulthood and is associated with decreased self-esteem. (Ghomashchi, 2008: 30)

According to the American Human Association (2004), emotional harassment is a pattern of parental behavior that impedes a child's cognitive, emotional, psychological, and social development and includes ignoring, rejecting, isolating, verbally abusing, intimidating, and destroying the child. Talking to a child about how to steal or forcing them to deal with it is also an emotional nuisance.

### 3.3. Child sexual abuse:

Sexual abuse of children is the most destructive type of child abuse. Sexual harassment is any sexual act between a child and an adult. This concept includes sexual intimacy through coercion and intimidation and other forms of sexual contact between children and adults. Sexual activity may take the form of sexual intimacy, sexual touch, or non-tactile sexual activity such as play and sexual display. (Pavelianan et al, 2002: 236)

## RESULT:

Children have been examined for their rights in two ways, one in general, that children's rights are part of human rights, and the other specifically stated as children's rights. Child abuse is one of the complex legal and social issues that cannot be addressed without the cooperation and coordination of medical, judicial, police and other public and governmental institutions. Child abuse prevention programs fall into three levels: primary, secondary, and tertiary.

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